

STATE OF SOUTH DAKOTA)
: SS
COUNTY OF LINCOLN)

IN CIRCUIT COURT

SECOND JUDICIAL CIRCUIT

CATHERINE BEALL ,	*	CIV.
	*	
Plaintiff,	*	
	*	
vs.	*	COMPLAINT AND DEMAND FOR JURY
	*	TRIAL
MICHAEL JOHN KEUTER, and	*	
MIKE'S LINE BORING SERVICE, LLC,	*	
	*	
Defendants.	*	

COMES NOW, Plaintiff Catherine Beall, by and through her counsel of record Tyler W. Haigh of Evans, Haigh, & Hinton, LLP, and for her Complaint and Demand for Jury Trial against Defendants, states and alleges as follows:

PARTIES

1. Plaintiff Catherine Beall is a resident of Scotland, South Dakota.
2. Upon information and belief, Defendant Michael John Keuter was a resident of Bellevue, Iowa.
3. Upon information and belief, Defendant Mike's Line Boring Service, LLC is a registered limited liability company in the state of Iowa with its home office in Bellevue, Iowa.

JURISDICTION AND VENUE

4. This Honorable Court has jurisdiction over this action pursuant to S.D. Const. Art. 5 § 5 and SDCL § 16-6-9.
5. Venue is proper within the indicated judicial circuit under SDCL § 15-5-8.

FACTS

6. On or about September 11, 2020, Plaintiff Catherine Beall was traveling southbound on Interstate 29 near Beresford, Lincoln County, South Dakota.
7. A few miles ahead of Plaintiff, there was an accident on the interstate involving a semi-truck, which caused traffic to slow.
8. As Plaintiff slowed down with the flow of traffic, Defendant Michael John Keuter crashed his Ford F-250 Super Duty pickup into the back of Plaintiff's vehicle.
9. At the time of the collision, Defendant Michael John Keuter was overdriving the wet road conditions when he slammed his pickup into the back of Plaintiff's vehicle at 72 miles per hour.
10. Defendant Michael John Keuter was cited for Careless Driving, in violation of SDCL § 32-24-8, and paid the fine associated with the citation, thereby pleading guilty to the charge.
11. Defendant Mike's Line Boring Service, LLC employs Defendant Michael John Keuter.
12. As a direct and proximate result of the collision, Plaintiff has suffered and will continue to suffer, bodily injuries, past and future pain and suffering, permanent impairment, disability, past and future loss of enjoyment of life, past and future emotional distress, past and future medical costs and expenses, property damage, and other general and special damages, in amounts to be proven at trial and determined by a jury.

COUNT ONE: NEGLIGENCE

13. Plaintiff restates the preceding paragraphs of this Complaint as though fully set forth herein,
14. Defendant Michael John Keuter owed a duty of care to Plaintiff to exercise ordinary care and awareness in the operation, management, maintenance, and control of his vehicle,

including, but not limited to, a duty to use and operate his vehicle in a safe and reasonable manner, and to travel the highways located in the State of South Dakota in a safe and reasonable manner.

15. Defendant Michael John Keuter breached his duties owed to Plaintiff by negligently, recklessly, and/or carelessly using and operating his vehicle, and by negligently, recklessly, and/or carelessly traveling along the highways located in the State of South Dakota, including, but not limited to:

- a. Failing to keep his vehicle under control;
- b. Failing to maintain a proper lookout for other vehicles;
- c. Overdriving the road conditions; and
- d. Otherwise generally failing to operate his vehicle in a safe and prudent manner.

16. As a direct and proximate result of Defendant Michael John Keuter's negligence, Plaintiff has suffered, and will suffer, bodily injuries, past and future pain and suffering, permanent impairment, disability, past and future loss of enjoyment of life, past and future emotional distress, past and future medical costs and expenses, property damage, and other general and special damages, in amounts to be proven at trial and determined by a jury.

COUNT TWO: VICARIOUS LIABILITY

17. Plaintiff realleges the preceding paragraphs as though fully set forth herein.

18. Defendant Mike's Boring Service, LLC's employee and/or agent was negligent on or about September 11, 2020.

19. Defendant Michael John Keuter was acting within the scope of his employment with Defendant Mike's Line Boring Service, LLC at the time of the collision on September 11, 2020.

20. Alternatively, Defendant Mike's Boring Service, LLC was negligent in its supervision of its employee and/or agent on or about September 11, 2020.
21. As a direct and proximate result of the negligence of Defendant Mike's Boring Service, LLC's employee, Plaintiff has suffered, and will suffer, bodily injuries, past and future pain and suffering, permanent impairment, disability, past and future loss of enjoyment of life, past and future emotional distress, past and future medical costs and expenses, property damage, and other general and special damages, in amounts to be proven at trial and determined by a jury.

REQUEST FOR RELIEF

Plaintiff requests the following relief:


1. For general and special damages in amounts to be determined at trial;
2. For Plaintiff's costs and disbursements incurred;
3. For pre- and post-judgment interest; and
4. For such other relief as the Court may deem appropriate under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiff respectfully demands a trial by jury on all issues so triable.

Dated at Sioux Falls, South Dakota, this 29th day of October, 2021.

EVANS, HAIGH & HINTON, L.L.P.



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